

CHANGES TO THE CITY'S
ELECTION CAMPAIGN CONTROL ORDINANCE
EFFECTIVE JANUARY 5, 2005

New Section	Current Section	Section Name	Notes
27.2901	27.2901	Purpose and Intent	No change.
27.2902	27.2902	Citation	No change.
27.2903	27.2903	Definitions	Added definitions for assistant treasurer; City Official; general purpose recipient committee; different types of committees; different types of elections; internal communication; mass mailing; shared management; sponsors and sponsored committees. Added state law exceptions to contribution and expenditure. Provided full definitions instead of incorporating other areas of the SDMC: candidate; City Clerk; City Council; committee; elective office; enforcement authority; different types of elections; and voter.
27.2910	27.2904	Candidate and Committee Status; Duration	No change.
27.2911	27.2911	Duty to Have Campaign Treasurer	Added language regarding assistant treasurer.
27.2912	27.2912	Authority of Treasurer	Reworded; no change in meaning.
27.2915		Campaign Contribution Checking Account for Ballot Measure Committees	New section; requires committees supporting or opposing a local ballot measure to have a bank account at a bank that provides services in the City of San Diego
27.2916	27.2921	Campaign Contribution Checking Account for Controlled Committees	Amended; now applies only to controlled committees. In addition, occupation and employer information must now be obtained within 30 days (previously 20). Any contribution not deposited within 30 days must be returned within 35 days (previously 25).
27.2917	27.2940	Lawful Use of Campaign Funds by a Committee	Reworded; no change in meaning.
27.2918	27.2922	Disbursements	Reworded; no change in meaning.
27.2919	27.2923	Petty Cash Fund	Amended; now applies only to controlled committees.

CITY OF SAN DIEGO ETHICS COMMISSION PROPOSED CHANGES TO
THE CITY'S ELECTION CAMPAIGN CONTROL ORDINANCE

New Section	Current Section	Section Name	Notes
27.2920		Transfers	New section; candidates may transfer campaign funds from one controlled committee to another controlled committee for elective City office; must use "last in, first out" or "first in, first out" accounting method, and must be aggregated with other contributions for purposes of contribution limits.
27.2921		Carryover of Contributions	New section; candidates may carryover contributions raised from one election to pay for expenditures incurred in connection with a subsequent election for the same office.
27.2922	27.2943	Loans	New section; candidate's personal loans limited to \$100,000 at any one time; limit includes all bank loans but is not aggregated with committee's credit card balance.
27.2923	27.2924	Liquidation of Accounts	Amended; now applies only to controlled committees.
27.2924		Surplus Campaign Funds	New section; mirrors state law with respect to the disposal of surplus funds.
27.2925	27.2925	Accounting	Amended; no longer requires record of refused or returned contributions.
27.2930	27.2931, 27.2944	Base Level of Campaign Statements and Disclosures	New filing requirements: contributors must be listed alphabetically; GPRCs must supplement campaign report with document identifying the source of contributions used to fund City expenditures; provides instructions for reporting internal communications; clarifies when a contribution is "received"; and requires identification of whether contribution is for primary (P) or general (G) election.
27.2931		Online Disclosure of Campaign Statements	New section; requires committees with over \$10,000 in financial activity to file electronically (when available); allows other committees to voluntarily file electronically; requires paper filing to continue; imposes penalty for failure to comply.
27.2935	27.2941	Contribution Limitations	Amended: contribution limits raised to \$300 for offices of Mayor and City Attorney; these contribution limits are separate from limits that apply to general purpose recipient committees or legal defense funds.

CHANGES TO THE CITY'S
ELECTION CAMPAIGN CONTROL ORDINANCE
EFFECTIVE JANUARY 5, 2005

New Section	Current Section	Section Name	Notes
27.2936		Contribution Limitations for General Purpose Recipient Committees	New section, recognizing existence of general purpose recipient committees [GPRC]. These committees may use individual contributions up to \$250 per year, per candidate, per election to support district candidates, and up to \$300 per year, per candidate, per election to support citywide candidates. These contributions are not aggregated with an individual's contribution directly to a candidate.
27.2937		Indexing of Contribution Limits	New section. Contribution limits established in §27.2935 and 27.2936 are indexed to CPI every two years beginning in 2007.
27.2938		Restrictions on Time Period of Contributions	New section, limiting acceptance of contributions to 12 months before the primary election, and 180 days after the election.
27.2939		Pre-Primary Contributions for General Election	New section. Clarifies that candidates may accept contributions for both elections at same time; however, if candidate wins outright, loses at primary, or withdraws, the general election contributions must be returned to contributors on a pro-rata basis.
27.2940		Family Contributions	New section, providing that contributions by a husband and wife are not aggregated, and providing that contributions by minors are attributed to their parents.
27.2941		Cash Contributions	New section designed to mirror state law; limits cash contributions to \$99 or less.
27.2942	27.2949	Prohibition of Anonymous Contributions	Reworded; no change in meaning.
27.2943	27.2950	Prohibition of Contributions in the Name of Another Person	No change.
27.2944		Intermediaries	New section designed to mirror state law. Any person who makes a contribution on behalf of another, or while acting as an intermediary or agent, must disclose to the recipient his name, address, occupation and employer, as well as the same information for the other person. The recipient must report the information for the contributor and the intermediary.

CITY OF SAN DIEGO ETHICS COMMISSION PROPOSED CHANGES TO
THE CITY'S ELECTION CAMPAIGN CONTROL ORDINANCE

New Section	Current Section	Section Name	Notes
27.2945		Notification Regarding Reimbursement Prohibition	New section. Requires committees supporting candidates to provide notice to contributors that they may not be reimbursed by any organization or business.
27.2950	27.2947	Prohibitions and Limits on Contributions From Organizations	Amended without changing existing prohibition on organizational contributions; also establishes that a GPRC may accept contributions from an organization, but cannot use those contributions for City candidate elections; permits checks from personal or family trust accounts.
27.2951		Prohibition on Contributions From Organization Bank Accounts	New section, prohibiting the acceptance of checks and credit cards from any non-individual bank account; permits checks from personal or family trust accounts.
27.2953	27.2905	Contributions for Recall Elections	Added provision allowing officeholder subject to recall to begin collecting contributions at the same time as the committee seeking the recall; clarified that contributions for recall election do not count against the contribution limits for other elections.
27.2955	27.2948	Obligation to Return Contributions	Revised to allow committees an opportunity to return improper contributions inadvertently accepted to the contributors before the filing deadline for the relevant campaign statement; requires payment to the City Treasurer after the filing deadline.
27.2960	27.2945	Extensions of Vendor Credit	Amended to allow committees up to 180 days to pay vendors, and to relieve committees with good faith disputes from having to pay within this time period. Specifically excludes credit card debt from prohibition.
27.2961	27.2946	Continuing Violations	Reworded; no change in meaning.
27.2962	27.2954	Suppliers of Goods and Services – Disclosure of Records Required	Reworded; no change in meaning.

CHANGES TO THE CITY'S
ELECTION CAMPAIGN CONTROL ORDINANCE
EFFECTIVE JANUARY 5, 2005

New Section	Current Section	Section Name	Notes
27.2965		Legal Defense Fund	New section, providing a framework for individuals to contribute to a legal defense fund over and above any campaign contributions. Contributions are accepted by existing controlled committee. Legal defense contributions must be associated with an existing civil, criminal, or administrative action, or an audit conducted by Ethics Commission or Fair Political Practices Commission.
27.2966		Establishment of a Legal Defense Fund	New section, requiring person opening legal defense fund to file with the City Clerk.
27.2967		Disclosure of Legal Defense Fund Activity	New section, requiring those using a legal defense fund to disclose the activity of such fund in a manner distinguishable from regular contributions and expenditures.
27.2968		Impermissible Use of Legal Defense Fund	New section, prohibiting legal defense fund dollars from being used to pay a fine, and from being transferred to another committee.
27.2969		Termination of Legal Defense Fund	New section, requiring City Clerk to be notified when legal defense fund is no longer needed, and providing options for disposal of any remaining funds.
27.2970		Mass Mailings	New section, requiring committees to include the name and address of the committee sending the mailing, as well as the statement "paid for by" in 12-point contrasting type.
27.2971		Telephone Communications	New section, requiring the statement "paid for by" in same volume and speed.
27.2972		Billboard Advertising	New section, requiring statement "paid for by" in height at least 5% of ad height, and contrasting color.
27.2973		Paid Spokesperson – Ballot measures	New section designed to mirror state law. Requires ballot measure ads to indicate if a spokesperson is paid \$5,000 or more.
27.2974		Independent Expenditures Supporting a Candidate	New section, requiring committees to include statement "paid for by" in 12-point contrasting type. Section does not apply to internal communications, e-mail communications, or slate mailers. Also prohibits candidate-controlled committees from making independent expenditures to support or oppose City candidates.

CITY OF SAN DIEGO ETHICS COMMISSION PROPOSED CHANGES TO
THE CITY'S ELECTION CAMPAIGN CONTROL ORDINANCE

New Section	Current Section	Section Name	Notes
27.2975		Expenditures Supporting a Ballot Measure	New section, requiring committees to include statement “paid for by” in 12-point contrasting type, and to identify top two contributors of \$50,000 or more as well as the contributors’ interests. Section does not apply to internal communications, e-mail communications, or slate mailers.
27.2976		Identification of Entities Supporting Ballot Measures	New section designed to mirror state law, requiring committees that support or oppose ballot measures to identify themselves using a name that clearly identifies the economic or special interests of its major donors, and to including reference to the proposition letter or number after ballot designation.
27.2985	27.2961	Duties of the City Clerk	Reworded; no substantial change in meaning.
27.2990	27.2963	Enforcement Authority — Duties, Complaints, Legal Action, Investigatory Powers	Amended to eliminate requirement that Ethics Commission have responsibility for determining whether statements have been filed.
27.2991	27.2971	Penalties	Reworded; no change in meaning.
	27.2951	Campaign Expenditures Uncontrolled by Candidate or Committee	Deleted; new requirements set forth in sections regarding mass mailings, telephone communications, billboard advertising, independent expenditures, and expenditures supporting a ballot measure.
	27.2952	Advertising Rates; Service Fees and Charges	Deleted; subject matter covered by prohibition of discounts by vendors, set forth in definition of contribution.
	27.2973	Effect of Violation on Certification of Election Results	Deleted; section not needed; no relationship between the existing law and the penalty imposed for violation; not currently being enforced.
	27.2974	Rules of Construction	Deleted; section not needed; the rules of statutory construction are covered in chapter 1, article 1, division 2 of the SDMC.